

Message Text

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ACTION EB-03

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FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 4521

C O N F I D E N T I A L LIMA 2553

STADIS-LIMDIS////////////////

EO11652: N/A

TAGS: EAIR, PE

SUBJECT: CIVAIR: DISPUTE WITH PERU - STAY OF PART 213

ORDER AND RENEWAL OF NEGOTIATIONS

REF: STATE 068708

1. WE AGREE WITH DEPARTMENT'S DECISION TO RECOMMEND THAT PRESIDENT STAY CAB'S PART 213 ORDER. HOWEVER, WE THINK TONE OF RECOMMENDED LETTER ISIMTERN AND THAT OUR PURPOSE WOULD BE BETTER SERVED IF LETTER WERE TO READ AS FOLLOWS: QUOTE. I HAVE REVIEWED THE BOARD'S PROPOSED ORDER IN THE MATTER OF THE EXISTING SCHEDULES OF AEROPERU (EMPRESA DE TRANSPORTES AEREOS DEL PERU) IN DOCKET 27158. IN VIEW OF NEW ATTEMPTS NOW BEING MADE BY BOTH PARTIES TO REACH A NEGOTIATED SOLUTION, IT IS MY DECISION TO STAY ACTION ON THE BOARD'S PROPOSED ORDER TO PROVIDE ADDITIONAL TIME TO DETERMINE WHETHER SUCH A SOLUTION IS POSSIBLE. UNQUOTE.

2. EMBASSY BELIEVES THAT FOREGOING TEXT ADEQUATELY ACHIEVES OBJECTIVES INTENDED BY DEPARTMENT'S RECOMMENDED TEXT. FACT THAT PRESIDENT IS STAYING RATHER THAN WITHDRAWING ORDER IS IN ITSELF A CLEAR INDICATION THAT HE IS NOT OPPOSED TO THE PROPOSED ACTION IF IT BECOMES NECESSARY, THAT THE ADDITIONAL TIME IS LIMITED, AND THAT HE WILL REVIEW THIS DECISION IN ABSENCE OF PROGRESS.

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3. RE RESUMPTION OF NEGOTIATIONS, WE HAD MEETING WITH LOCAL BRANIFF REPRESENTATIVES AFTERNOON MARCH 26. WHILE THEY DID NOT OBJECT TO STAY OF 213 ORDER, THEY EXPRESSED CONCERN THAT GOP AND AEROPERU WILL MERELY USE ADDITIONAL TIME FOR FURTHER STALLING. AT THE SAME TIME THEY EXPRESSED THEIR BELIEF, AND WE AGREED, THAT BEST WAY TO DETERMINE GOP INTENTIONS WOULD BE TO INFORM FOREIGN MINISTER THAT, IN RESPONSE TO HIS COMMITMENT TO AMBASSADOR, SENIOR BRANIFF TEAM IS PREPARED TO ARRIVE IN LIMA AS EARLY AS SUNDAY FOR NEGOTIATIONS ON MONDAY, MARCH 31. AMBASSADOR ACCORDINGLY TELEPHONED SECRETARY GENERAL GARCIA BEDOYA (MINISTER WAS UNAVAILABLE) WHO PROMISED TO INFORM MINISTER DE LA FLOR. AMBASSADOR ALSO ASKED FOR EARLY DECISION AS TO TIME AND PLACE OF MEETING AND COMPOSITION OF DELEGATION IN ORDER THAT ADEQUATE PREPARATIONS COULD BE MADE. SUBSEQUENTLY, DEL SOLAR OF BRANIFF CONFERRED BY TELEPHONE WITH HARDING LAWRENCE AND FOUND LAWRENCE IN FULL AGREEMENT THIS COURSE OF ACTION. DEL SOLAR REPORTED THAT LAWRENCE ALREADY ARRANGING FOR TEAM LED BY SOUTH AND THAYER TO BE IN LIMA MONDAY MORNING IF NECESSARY.

4. FOLLOWING RECEIPT REFTEL MARCH 27, EMBASSY OFFICER TELEPHONED DGTA BERCKEMEYER AND FOREIGN MINISTRY OFFICIAL SOLARI, NOTING THAT WE WERE STILL AWAITING RESPONSE TO AMBASSADOR'S INITIATIVE WITH GARCIA BEDOYA FOR EARLY MEETING AND THAT IN MEANTIME BOTH EMBASSY AND DEPARTMENT WERE CONCERNED BY LACK OF RESPONSE TO DEPARTMENT'S QUESTIONS SINCE THIS WOULD PROVIDE BEST BASIS FOR TALKS AND INDICATION OF DESIRE TO MOVE FORWARD. EACH SAID THEY WOULD URGE AEROPERU TO BE RESPONSIVE ON BOTH COUNTS. SOLARI SUBSEQUENTLY INFORMED US THAT HE HAD SPOKEN WITH SOTO, AS HAD GARCIA BEDOYA, AND THAT FIRST MEETING COULD BE SCHEDULED FOR WEDNESDAY, APRIL 2, IN SOTO'S OFFICE. SOLARI ALSO SAID THAT GULMAN PROMISED RESPONSE TO QUESTIONS BY MARCH 31.

5. COMMENT: WE WILL INFORM LOCAL BRANIFF OFFICIALS OF FOREGOING, AND WILL SUGGEST THAT BRANIFF TEAM BE HERE IN TIME TO BEGIN TALKS ON WEDNESDAY. THIS SHOULD AFFORD TIME FOR US TO TAKE INTO ACCOUNT ANYTHING THAT MAY EMERGE

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FROM ARCE MEETINGS WITH LAWRENCE AND ROBINSON, AND TO STUDY ANSWERS TO QUESTIONS, PROVIDED GULMAN KEEPS HIS WORD. WE UNDERSTAND DEPARTMENT'S DESIRE FOR CLEAR INDICATION THAT GOP OR AEROPERU HAVE DECIDED TO TAKE MORE FLEXIBLE POSITION IN ANY NEW NEGOTIATIONS. HOWEVER, AMBASSADOR BELIEVES VIBES NOW MORE FAVORABLE AND BEST WAY TO FIND OUT IN EARLY TALKS.

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